

By:

Wentworth

S.C.R. No. 68

CONCURRENT RESOLUTION

WHEREAS, The City of Cedar Park alleges that:

(1) the City of Cedar Park was granted a permit (TWC Id. Permit No. 12308-01) by the Texas Water Commission in September, 1988, to construct, operate, and maintain its municipal wastewater treatment facility;

(2) the designs and specifications for the construction of that facility were reviewed by the Texas Water Commission and approved on the contingency that the City of Cedar Park enter into a buffer zone agreement with the Texas Water Commission;

(3) the buffer zone agreement entered into by the City of Cedar Park with the Texas Water Commission provided the City of Cedar Park with a variance from Texas Water Commission siting requirements, thus allowing construction of approved facility units within 150 feet of residential properties;

(4) the buffer zone agreement set out procedural alternatives that the City of Cedar Park and the Texas Water Commission would abide by in the event complaints from adjacent landowners were filed concerning the impact of the operation of the wastewater treatment facility;

(5) when such complaints arose, the Texas Water Commission failed to abide by its written agreement with the City of Cedar Park and forced the City of Cedar Park to defend the design, approval, construction, and operation of the wastewater treatment

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1 facility in a prolonged public hearing in clear contravention of  
2 the procedures detailed in the Texas Water Commission's buffer zone  
3 agreement;

4 (6) the failure of the Texas Water Commission to abide by  
5 the terms of its own agreement has caused the City of Cedar Park to  
6 incur substantial expenses which will potentially affect all City  
7 of Cedar Park ratepayers; now, therefore, be it

8 RESOLVED by the Legislature of the State of Texas, That the  
9 City of Cedar Park is granted permission to sue the State of Texas  
10 and the Texas Water Commission subject to Chapter 107, Civil  
11 Practice and Remedies Code; and, be it further

12 RESOLVED, That the Attorney General of the State of Texas and  
13 either the Executive Director of the Texas Water Commission or, if  
14 suit is brought on or after September 1, 1993, the Executive  
15 Director of the Texas Natural Resource Conservation Commission be  
16 served process as provided by Subdivision (3), Subsection (a),  
17 Section 107.002, Civil Practice and Remedies Code.

## CONCURRENT RESOLUTION

Granting permission to the City of Cedar Park to sue the State of Texas.

Filed with Secretary of the Senate

## ADMINISTRATION

APR - 5 1997

Read first time and referred to Committee on \_\_\_\_\_

Reported favorably \_\_\_\_\_

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Laid before Senate

Consideration ordered by:

unanimous consent

\_\_\_\_\_ yeas, \_\_\_\_\_ nays

Read, \_\_\_\_\_ and adopted.

SECRETARY OF THE SENATE

Engrossing Clerk

Sent to House

Received from Senate

Read first time and referred to Committee on \_\_\_\_\_

Reported favorable amended and sent to Printer \_\_\_\_\_

Printed and Distributed \_\_\_\_\_

Sent to Committee on Calendars \_\_\_\_\_

Read and Adopted Failed (as Amended) by a Non Record Voting

Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays \_\_\_\_\_ present not voting

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with \_\_\_\_\_ amendments.

Concurred in House amendments by a viva voce vote \_\_\_\_\_ yeas, \_\_\_\_\_ nays.